

IN THE CLAIMS

Please cancel claims 9 and 24 - 30 and amend claims 1, 5, 11, 12 and 22 as follows:

1. (Presently Amended) A device for preventing closure of a surgically created resection cavity within tissues of the body comprising:

an insertion member having a distal end for insertion into a surgically created resection cavity and a proximal end which remains outside the resection cavity and a lumen extending between the proximal and distal ends, the insertion member having an outer diameter of approximately 5 FR to 10 FR; and

an inflatable member deployable from the distal end of the insertion member, an inner chamber of the inflatable member being fluidly coupled to the lumen to receive an inflation fluid therefrom so that, when the inflation fluid is supplied to the inflatable member, the inflatable member expands to a substantially spherical shape so that an outer surface of the inflatable member contacts the surrounding tissue and moves the surrounding tissue out of the resection cavity.

2. (Original) The device according to claim 1, wherein the insertion member is a balloon catheter.
3. (Original) The device according to claim 1, wherein the inflatable member is a balloon insertable through the insertion member in a deflated configuration.
4. (Original) The device according to claim 1, further comprising a luer at the proximal end adapted to introduce inflation fluid to the inflatable portion via the lumen.
5. (Currently Amended) The device according to claim 1, wherein the outer diameter of the insertion member is approximately 5 FR ~~further comprising a port at the proximal end adapted to introduce a radioactive seed into the inflatable portion via the insertion member.~~
6. (Original) The device according to claim 1, wherein the inflatable member further comprises a retention layer formed on the outer surface to retain a therapeutic agent thereon and dispense

the therapeutic agent at a selected rate.

7. (Original) The device according to claim 6, wherein the retention layer is a polymeric coating.

8. (Original) The device according to claim 6, wherein the therapeutic agent is paclitaxel.

9. (Cancelled)

10. (Original) The device according to claim 1, wherein the inflatable member further comprises a plurality of perforations in at least a portion of the outer surface so that a therapeutic agent may pass through the perforations to an outside of the inflatable member.

11. (Currently amended) The device according claim ~~[[11]]~~ 1, wherein the inflatable member comprises an inner inflation fluid chamber and an outer therapeutic agent chamber and wherein the inflation fluid chamber and the therapeutic agent chambers are sealed from one another, the perforations communicating the therapeutic agent chamber to an exterior of the inflation member.

12. (Presently Amended) A surgical tissue separator comprising:

a ~~[[n]]~~ substantially spherical expandable portion insertable in a surgically created body cavity; and

a catheter portion adapted to position the expandable portion in the cavity, the expandable portion being deployable from the catheter portion[;

wherein the expandable portion expands to]] wherein, supplying an inflation fluid to the expandable portion via a lumen of the catheter portion expands the expandable portion into contact with inner surfaces of the cavity to prevent the inner surfaces from healing together, the catheter portion having an outer diameter of approximately 5 FR to 10 Fr.

13. (Original) The tissue separator according to claim 12, further comprising a lumen of the catheter portion connected to the expandable portion.

14. (Original) The tissue separator according to claim 12, wherein the expandable portion is an inflatable balloon.

15. (Original) The tissue separator according to claim 12, wherein an inflation fluid flows through the catheter portion into the expandable portion.
16. (Original) The tissue separator according to claim 12, further comprising a coating of the expandable portion adapted to time release a therapeutic compound to tissue surrounding the expandable portion.
17. (Original) The tissue separator according to claim 16, wherein the therapeutic compound includes a chemo-therapeutic agent.
18. (Original) The tissue separator according to claim 17, wherein the chemo-therapeutic agent comprises paclitaxel.
19. (Original) The tissue separator according to claim 16, wherein the coating is a polymeric coating adapted to encapsulate the therapeutic compound.
20. (Original) The tissue separator according to claim 12, wherein the expandable portion is a radiation therapy balloon.
21. (Original) The tissue separator according to claim 20, wherein the balloon is adapted to receive a radioactive seed therein through the catheter portion.
22. (Currently Amended) The tissue separator according to claim 12, wherein the outer diameter of the catheter portion is approximately 5 FR expandable portion is substantially spherical.
23. (Original) The tissue separator according to claim 12, wherein the expandable portion is sized to fill a lumpectomy resection cavity.
24. (Cancelled)
25. (Cancelled)
26. (Cancelled)

27. (Cancelled)

28. (Cancelled)

29. (Cancelled)

30. (Cancelled)